

123103

22764 U.S. PTO

Divisional Application  
Transmittal Form

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. LYBZ 2 00032-2  
Anticipated Classification  
of this application:

Class \_\_\_\_\_

Subclass \_\_\_\_\_

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior application:  
Examiner: RODRIGUEZ  
Art Unit: 3746

Dear Sir:

This is a request for filing a **Divisional Patent Application** of pending prior U.S. Patent Application Serial No. 09/959,218 filed on February 4, 2002 (Entry of PCT/EP00/03528 filed April 19, 2000), (now U.S. Patent No. \_\_\_\_\_) of Rudolf BAHNEN; Josef HODAPP; and Gunter KNOLL for **ROTARY PISTON DRIVE MECHANISM**.

1. xxx Enclosed is a complete copy of the prior application, including the oath or declaration as originally filed.
2. \_\_\_\_\_ A verified statement to establish small entity status \_\_\_\_\_ is enclosed \_\_\_\_\_ was filed in the prior application and such status is still proper and desired.
3. \_\_\_\_\_ Amend the specification by inserting before the first line the sentence: --This application is a **divisional** of U.S. Application Serial No. 09/959,218, filed February 4, 2002, now U.S. Patent No. \_\_\_\_\_.--
4. \_\_\_\_\_ Cancel in this application original claim 1 of the prior application before calculating the fee. (At least one original independent claim must be retained for filing purposes.)
5. xxx A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application).

"Express Mail" Mailing Label Number EL998016055USDate of Deposit: DECEMBER 31, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail

Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Hilary M McNulty*  
By: Hilary M. McNULTY

22154 U.S. PTO  
10/749308

123103

6. xxx The filing fee is calculated below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE/ENTITY	FEE
TOTAL CLAIMS	27 - 20 =	7	[XX] \$18 LRG [ ] \$ 9 SML	\$ 126.00
INDEPENDENT CLAIMS	11 - 3 =	8	[XX] \$86 LRG [ ] \$43 SML	\$ 688.00
BASIC FEE			[XX] \$770 LRG [ ] \$385 SML	\$ 770.00
TOTAL FILING FEE				\$1,584.00

7. xxx A check in the amount of \$ 1,584.00 is enclosed.
8. xxx The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-0308. A duplicate copy of this sheet is enclosed.
9. xxx New formal drawings are enclosed.
10. xxx Priority of Application Serial No. DE199175608 filed on April 19, 1999 in Germany is claimed under 35 U.S.C. § 119.
- xxx Priority of Application Serial No. DE100191088 filed on April 18, 2000 in Germany is claimed under 35 U.S.C. § 119.
- xxx The certified copies have been filed in prior U.S. Application Serial No. 09/959,218, filed February 4, 2002 (entry of PCT/EP00/03528).
11. xxx The prior application is assigned of record to **LEYBOLD VAKUUM GmbH**, a Corporation of Germany, having a principal place of business at: Bonnerstrasse 498, 50869 Köln, GERMANY. The Assignment was recorded on February 4, 2002 at Reel/Frame 012597/0738.

12. xxx The power of attorney in the prior application is to:

Thomas E. Kocovsky, Jr., Reg. No. 28,383  
Ann M. Skerry, Reg. No. 45,655  
James E. Scarbrough, Reg. No. 47,056

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2518.

- a. xxx The power appears in the original papers in the prior application.

- b.     Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

- c. xxx Address all future communications to:

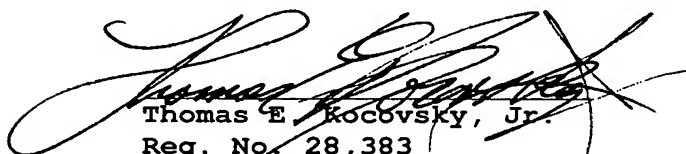
Thomas E. Kocovsky, Jr.  
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2518

13. xxx I hereby verify that the attached papers are a true copy of prior U.S. Application Serial No. 09/959,218 as originally filed on February 4, 2002.

The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief **are believed to be true**; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attorney of Record

31 Dec 2003  
Date

  
Thomas E. Kocovsky, Jr.  
Reg. No. 28,383

Address of Signator:

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114  
(216) 861-5582 (tel)  
(216) 241-1666 (fax)  
Tkocovsky@faysharpe.com (e-mail)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: W. RODRIGUEZ
R. BAHNEN, et al.	)	
	)	Art Unit: 3746
Serial No.: Unknown	)	
	)	Confirmation: 9123
Filed: Herewith	)	
	)	
For: ROTARY PISTON DRIVE	)	
MECHANISM	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
LYBZ 2 00032-2	)	December 31, 2003

SUBMISSION OF FORMAL DRAWINGS

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

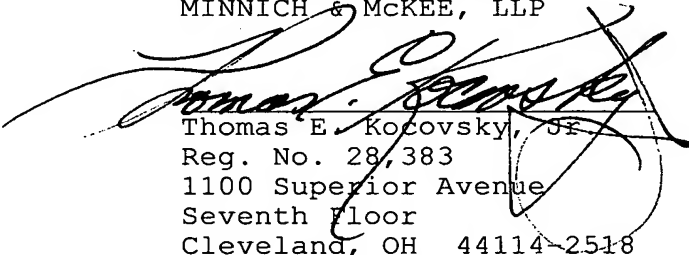
Dear Sir:

The applicants are enclosing four (4) sheets of Formal Drawings, including FIGURES 1-8.

An early indication of the acceptance of the Formal Drawings is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP



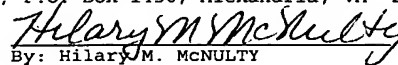
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By: Hilary M. McNULTY